IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

Bail Appl..No. 7617 of 2007()

CRMP.2623/2007 of D.C. & SESSIONS COURT, ERNAKULAM
CRIME 569/07 OF ERNAKULAM TOWN NORTH POLICE STATION

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PETITIONER

SIRAJUDHEEN, AGED 47 YEARS,
S/O.LATE P.A.SYED MUHAMMED, HIRA,
KANJIRAMATTOM,ERNAKULAM DISTRICT.

BY ADV. SRI.GEORGE MATHEW

RESPONDENTS:

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1. CIRCLE INSPECTOR OF POLICE,
ERNAKULAM TOWN NORTH POLICE STATION,
KOCHI CITY, REP. BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA,ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
ERNAKULAM TOWN NORTH POLICE STATION,
KOCHI CITY, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7617 OF 2007 F

Dated this the 11th day of December, 2007

O R D E R

Second application for anticipatory bail. Petitioner faces allegations for offences punishable, inter alia, under Sections 406 and 465 IPC. An earlier application for anticipatory bail was dismissed by this Court as per order dated 20.9.07 in BA.5624/07. The petitioner has come again to this Court repeating the prayer for anticipatory bail.

2. The earlier order has become final. It has not been challenged. The petitioner must show change in circumstances to persuade this Court to now consider a fresh application for anticipatory bail. The learned counsel for the petitioner was requested to explain such change in circumstances, if any. The learned counsel for the petitioner only submits that the de facto complainant had obtained some documents even earlier to the order in the earlier bail application. Misusing such documents, he has now staked a

claim before the civil court. In that proceedings, the petitioner wants to appear and defend himself. As he did not get anticipatory bail, he is unable to appear before the civil court and defend the claim against him. This is the short explanation given for the renewed application for anticipatory bail.

3. I am afraid I am unable to find any change in circumstances which is relevant to entertain a second application for anticipatory bail. It is for the petitioner to appear before the learned Magistrate or the investigating officer and then stake his claim for regular bail in the ordinary course. Having not done the same, I find no merit in the present prayer for anticipatory bail again. This petition is accordingly dismissed.

(R.BASANT, JUDGE)

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